

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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GURPREET OBEROI, : 09 Civ. 9274 (SHS) (AJP)

Petitioner, :

-against- : ORDER

CATHERINE A. COOK, Superintendent, Otisville :
Correctional Facility,

:
Respondent.

SIDNEY H. STEIN, U.S. District Judge.

In a Report and Recommendation dated March 19, 2010, Magistrate Judge Andrew J. Peck recommended that the petition for a writ of *habeas corpus* be denied, and respondent's motion to dismiss be granted, because Oberoi's petition is time barred by the AEDPA one year limitations period. Petitioner's last day to file objections was April 5, 2010. To date, no objections have been received from petitioner. Accordingly,

IT IS HEREBY ORDERED that:

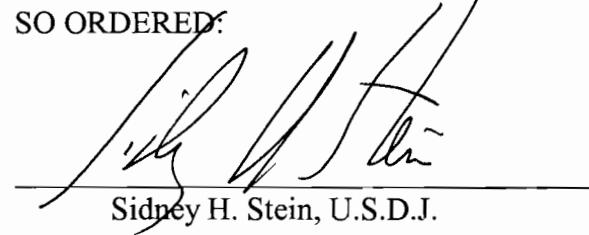
1. Magistrate Judge Peck's "Report and Recommendation" is adopted;
2. The petition for a writ of *habeas corpus* is denied as time barred;
3. Respondent's motion to dismiss [dkt. no. 11] is granted;
4. As petitioner has not made a substantial showing of the denial of a

constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253; see also Richardson v. Greene, 497 F.3d 212, 217 (2d Cir. 2007); and

5. Pursuant to 28 U.S.C. § 1915(a) the Court certifies that any appeal from this Order would not be taken in good faith.

Dated: New York, New York
April 6, 2010

SO ORDERED:



Sidney H. Stein, U.S.D.J.